(1)

BEFORE THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P. No. 1872 /2003. (SB)

PETITIONER : Sukumar Roychoudhry, aged about 59 years, s/o Late S.K.Roychoudhry Ex-Branch Manager, Allahabad Bank, r/o Shree Kunj, Lane R-3, Vinoba-nagar, P.O. & Distt. Bilaspur, C.G.

V E R S U S

RESPONDENTS : 1. Allahabad Bank, through Chairman cum Managing Director, 2-Netaji, Subhash Road, Kolkata,- 700001.

2. The General Manager, Allahabad Bank, 2, Netaji Subhash Road, Kolkata, 700001.

3. The Assitant General Manager, Allahabad Bank, Arera Colony, Bhopal.

P. R. No. 1393/03
Presented by Shri Smt. Meena Jaiswal
dated 21.8.03

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF CERTIORARI, MANDAMUS AND ANY OTHER WRIT/DIRECTION/ORDER.

99

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 1872 of 2003

Petitioner — Sukumar Roy Choudhary

Versus

Respondents — Allahabad Bank and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri B. R. Ghosh, Advocate with Smt. Meera Jayaswal, Advocate for the petitioner.

Shri V. C. Ottalwar, Advocate for the respondents.

ORDER

(29th August, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner was appointed as Clerk in the Allahabad Bank at Raipur. A charge sheet was issued and enquiry was conducted against the petitioner. After enquiry was held, the services of the petitioner was removed vide order dated 24.12.1988. Being aggrieved the petitioner filed a writ petition before the High Court of Madhya Pradesh at Jabalpur, being M.P.No.2178/1992 challenging the order of removal from service dated 24.12.1988, which according to the petitioner was dismissed. Thereafter, according to the petitioner, the petitioner filed Special Leave Petition before the Supreme Court, challenging the order passed by the High Court, which was also dismissed. The petitioner has not filed any order of the High Court or the Supreme Court, except the statement made in the writ petition.
2. There is no reason, as to why the statement of the petitioner in regard to dismissal of the writ petition by the High Court and dismissal of the Special Leave Petition thereafter by the Supreme Court, be not accepted. He admits that the petition challenging the order dated

100

24.12.1988 where-under and whereby the petitioner's services were removed, were dismissed by the High Court as well as Special Leave Petition by the Supreme Court. The petitioner has filed this petition seeking the same relief i.e. quashing of the order of removal from service dated 24.12.1988, thereafter the order dated 19.1.1990 passed in appeal and order passed in revision, confirming the order of removal dated 24.12.1988.

3. In view of the fact that the petitioner has already availed of the remedy by filing writ petition, which stands dismissed, the petitioner is estopped from raising the same in view of the principles of res-judicata, before this Court by filing the petition under Article 226 of the Constitution of India. This petition is blatant misuse of judicial process. The petition is accordingly dismissed as not maintainable with cost quantified to be Rs. 2000/-.

Sd/-
Satish K. Agnihotri
Judge

hakur